

SPECIAL MEETING

AUGUST 28, 2019

TOWN OF HARTLAND COMBINED BOARD MEETING

TOWN BOARD, ZONING AND PLANNING BOARD

The Town of Hartland held a Special meeting with the combined Town, Zoning and Planning boards on Wednesday, August 28, 2019 at the Town Hall, 8942 Ridge Road, Gasport NY, at 7:00 PM.

Supervisor Ross Annable opened the meeting to discuss concerns and questions pertaining to the solar project that EDF has proposed. Annable explained that there is a lot of miscommunication concerning Article 10, cleanup efforts and a coalition against solar fields in the Town of Cambria. Representatives from EDF were invited to answer any concerns that the board members might have. The Town of Hartland has 11,000 tillable acres and EDF is looking to use 1500 acres for the solar fields, which still leaves 90% left for agriculture. The revenue that we now receive from taxes will need to be increased for future endeavors; this income from the solar project will stabilize our tax base. The income on those 1500 acres, (some is not agricultural and some have exemptions), brings in around \$8000.00 from taxes. The project is estimated to bring in \$1 million, to be divided between the Town, County and the larger portion to the schools. Annable has visited a similar, yet smaller, project in Mount Morris where there was no opposition by the Town or residents. The only issue that the Town of Hartland would have is the size of the project to be built. Our farmers are struggling and need something to keep them going. There is no guarantee to always have a rural setting and an agricultural view out your window anywhere that you live. The solar fields will have approximately 12 foot fences with shrubs that will eventually camouflage the area. The size of the power lines that go through Hartland make this area easier and more desirable to develop. There is nothing else that is bringing revenue to the Town in order to stabilize the tax base.

Kevin Campbell, from EDF and Grant Cushing from the Brownfield project were here to answer any concerns.

Campbell stated that EDF has headquarters in Mexico, Toronto and San Diego; they are a North American Company. EDF wants to be open and up front with the public that is why they have given a public hearing this soon in the process. They have not received any significant opposition. The company has been in business for 35 years and hires 500-600 technicians. Their core values are teamwork and safety when bringing a project to a community. The Hartland project will be a 350 megawatt project.

Steve MacEvoy, Zoning Board Chairman, asked about the older projects, for those that are 5 years and older, does EDF still own the project?

Campbell stated that the company owns a portion of them, full ownership of 25% and ½ of projects with financing companies. He does not know if EDF will be the long term owner of the Hartland project.

MacEvoy said that the Somerset project has been sold so many times that no one knows who actually owns it anymore. Who will be responsible if the company is defunct in 30 years?

Campbell stated that there will be a host community agreement, along with the lease with the landowner that will require that decommissioning security is in place. EDF has not decommissioned one yet.

MacEvoy asked who calculates the cost of decommissioning? What plan does EDF have to recycle the panels?

Campbell said that they have an experienced contractor, hired by EDF, who gives the estimate. It is approximately \$50,000.00 per megawatt to remove and that cost is re-evaluated every 5 years. NYS is currently proposing legislation on decommissioning solar panels.

MacEvoy asked if the other solar farms have decommissioning plans?

Campbell stated Hartland would be the first one to have the cost of decommissioning as part of the contract.

Robert Spencer, Planning Board member, asked if the panels contained cadmium?

Campbell said that the studies have shown these panels to be very safe and they are a polysilicon construction.

Peggy Zaepfel, Zoning Board member, stated that her research has found that the decommissioned panels can only go to facilities in Michigan and Alabama.

Grant Cushing, from Brownfield, stated that the estimates will be done by a global firm and will be stamped by NYS. NYS will have clearing houses. The DPS and Article 10 process will guarantee safe decommissioning. EDF hires firms qualified as per Article 10 to be credible firms. Metal racking is recyclable. NYS is working on legislation for a recycling program. This is so new that there is no real recycle business for solar panels. There is no hazardous waste with these panels.

Zaepfel stated that if the panels are only good for 10 - 15 years and you have a 40 year lease, there has to be a program and funding for the decommissioning and recycling.

Cushing stated that this why NYS is putting together legislation to create a recycling program for 30 years out.

Campbell added that the technology of these panels is so new that they actually will still be useful in 40 years.

Zaepfel said that Walmart stores are removing their solar panels because they have caused fires on the roof.

Campbell said that he did not know about that situation, however, EDF does have an emergency response program to work with local safety crews. There is solar everywhere, if this was a big issue EDF would know about it. There are 5 fully trained people who work 24/7 on a control system that is in place, there is zero risk with solar. Solar is clean and efficient, with no chemicals or toxins, this is clean electricity. There has to be a host community agreement and PILOT in order for them to go forward.

Spencer mentioned that Buffalo and California, both have programs that don't work.

Campbell stated that any facility will have to have a PILOT program, if the true taxes were paid 40% would be allotted and or they would have to raise the cost by 50% for electricity. So the need for a PILOT is essential in order to operate. This project will use 10% of Hartland agricultural land and double the total revenue on that 10% for the Town.

Annable stated again, that presently that land brings in \$8000.00 now in revenue; with this projection the Town would recoup \$80,000.00.

Campbell said that to incorporate agriculture on the acres by grazing sheep, you have grass fed/ free range lamb and beehives could produce hundreds of jars of honey, because of the clover, they are healthy pollinations. This would have a positive effect on the Town.

Zaepfel asked about property values, her farm is across from a large land slated for panels, she would not be able to sell because of that. She is concerned about farmland for hay. The property values will go down, the aesthetics of a rural community and the long term effects are unknown. Neighbors are now concerned about their health.

Campbell said that the company wants to meet with neighbors at their kitchen table to discuss all concerns. There has never been a study done that proves health issues because of solar. The company will work to make the fields look nice and plant vegetation to buffer the area.

Zaepfel stated concerns of the blinding glare from the panels. She could have 150 acres of glare across the road from her house.

Campbell said that the solar panels have an antiglare coating and setbacks to reduce glare.

Spencer asked about the perimeter with a fence.

Campbell said that there would be a 7ft high fence with wire meshing to blend into the landscape; some would have barbed wire around the top. There would be a gap at the bottom to let small animals out, but keep the larger predators out, in order to keep the sheep safe. As for the property value issue, Campbell continued, you would have to look at site specific for visual buffering. Panels will not be too close to homes, the setback would be 150ft with a berm and trees. Homes still sell around the solar panels.

Spencer asked for specific setbacks.

Campbell stated 200ft from a house or according to personal concerns, 100 ft. from the road and side property line and 15 – 20 ft. from the back property lines. The front would always be 100 ft. setback in compliance with right of ways.

Zaepfel asked where the figure of 1500 acres had come from?

Michael Hartman, Zoning Officer, stated that a map of total acreage with tillable acres was provided.

Campbell explained that the 345 kilowatt voltage comes from the Somerset plant, which makes interconnection, feasible. There are different designs; the panels could move and follow the sun or the panels would be fixed to face the South and do not move, thus causing no shadows. 1500 acres are needed. Cable lines would run from panel to panel buried 4ft underground.

Zaepfel asked if the cable would be part of the 1500 acres?

Campbell replied that the cable would not be part of the 1500 acres but would be accessed through easements from nearby properties without reducing the farmland surrounding. Those homeowners would be paid for the easement.

Spencer said that if the company wants to expand in the future, they need to be upfront about that possibility.

Campbell said that if they did want to expand, then the whole permitting process would have to be undertaken again.

Annable asked that if 30-40 years out; why not rehab the existing facility instead of decommissioning.

Campbell said that in 40 years the leases would have expired and the company would need permission to start the lease process again. The property owner could choose to repower, change the components and sign another 20 year lease or recommission the land and restore to tillable land.

Hartman asked if when the 40 year lease expires, would the project be commissioned in the 40th year or after?

MacEvoy asked about connection of the panel to the inverter and how big is the substation?

Campbell answered that it would take 6-9 months past the end of the 40 year lease to decommission. He also explained that the transmission line within the project would involve another 1500 acres, totaling 3000 acres in all. The transmission would focus on line interconnection from the panel to the inverter to the substation. The substation would be 15 – 20 acres and 133 convertors between Hartland and Newfane. Vegetation would grow around the convertors.

Cliff Grant, Councilman, asked if that meant every 15 acres there would be a convertor? How is the power transferred?

Campbell stated the connector lines would run by the side of the road, through wooded areas and through easements on resident's properties. The lines would be clipped to the back of the solar panels, to the inverter, underground, and then to the substation.

MaEvoy asked about the voltage of the lines and is there noise from the convertors?

Campbell said that the convertors levels were 75-80 decibels; a normal home gives off 30-40 decibels. The substation would produce more so there would have to be barrier walls built around it.

Grant explained that some farmers have had tiles for drainage installed in the fields, how would the company bury around the tiles and would the company be responsible any damage? Also, what if the landowner refused to sign onto the easement contract.

Campbell stated that the company would not force the easements on anyone.

Annable stated that the landowner would be compensated for the easement.

Campbell added that the compensation would also reimburse for crop losses due to the connection.

Spencer voiced his concern for easements through wooded land and the loss of wildlife habitat and water shed issues.

Campbell suggested that perhaps hedgerows would have to be cut down.

Grant asked how wide would the easements be?

Campbell said that there would be multiple lines with 100 ft. easements.

Zaepfel asked why the company had chosen this area, what is the solar feasibility when this area receives little sunshine throughout the year.

Campbell said why here and not 10 years ago? The reason being that the technology now is less expensive per kilowatt hour to make revenue efficiency go up. Now only need 4-5 acres installed, it is cheaper and more economical to do in NY and to meet 70% of the energy cost.

Grant asked why the company would make such a large investment into a project in WNY where the sun only shines about 100 days a year, how is that efficient?

Zaepfel stated that the reason that it is feasible is because of government subsidies for new companies.

Campbell said that his company will not see any monies until the project starts to produce energy. The PILOT agreement allows for no sales tax to be collected on a capital project with a host community agreement. The company may not see any profits until 15-20 years down the road, so it can't afford to leave after 2 or 3 years.

Zaepfel asked if there was any facility that could be toured and talk to the people in the community?

Cushing stated that there is a small facility in Ontario, Wayne County, that is up and running. That one is a 200 acre project.

MacEvoy stated that looking at a small facility as compared to the 350 watt one being planned for Hartland is a big difference.

Campbell said that the company is ready to do this, have done it before and without bank funding.

Cushing stated that there are huge projects across the world.

Annable said that there is a time frame to be followed and this won't happen overnight.

Campbell said that there are steps to take in the process:

1. Present the information
2. Community Engagement
3. Apply for Article 10 permit, this would be around 2022

4. Interconnection Approval – 2020

5. Construction – 2023-2024

There would be approximately 300 jobs during construction and 5 full time jobs for the operation.

Annable said that there would be negotiations between the Town of Hartland, Niagara County and the schools, quite possibly with the Town of Newfane as well. The schools would stand to receive the largest amount of revenue. There would be a community host agreement pertaining to the line share before splitting the revenue. Landowners and the company leasing, with annual increases as part of the Community Benefit Agreement.

Annable went on to say that the impact that this project would have on the town would be to stabilize and finance future projects. Annable toured the Mount Morris project and suggested that anyone with questions go on a tour.

MacEvoy asked when will EDF have to submit the decommission plan? The Tonawanda Coke plant promised millions of dollars to decommission and then when the time came, there were no funds.

Campbell said that there has to be a decommission security in place before the plan is started, this will be the first in NYS. There is a facility in California with turbines that was repowered instead of recommissioned.

Cushing assured the Town that EDF has enough funds to clean up when needed.

MacEvoy stated that his main concern was how to clean up and that he did not trust New York State's promises to insure the funds and process, especially if Governor Cuomo was pushing the issue.

Cushing said that EDF already has a letter of credit in the bank to cover the cost.

Annable's concern was if the company sells, will there be a market to purchase the project? Somerset has been sold to other companies because of situations created by the State.

MacEvoy asked what would happen if the company went bankrupt and there are no monies for the cleanup?

Cushing said that this is the cleanest power generating technology that there is, even after 30 years, the panels are 80-85% efficient.

MacEvoy asked if there was anyone in the market for taking the panels?

Cushing said this is a responsible program and they will take care of it.

Campbell said that the host agreement will discuss the decommissioning funds.

Margaret Darroch, Planning board member, was concerned about the effects on the quality of life in Hartland. The decommissioning of the areas in Middleport, because of the FMC plant, has not been simple or easy and has disrupted the entire community.

Grant added that there have been 2 revitalization projects for the school.

Annable added that the project in Middleport deals with toxic chemicals, this not a toxic situation, we are harvesting the sun.

Darroch explained that it is the process of digging up everything with the heavy equipment, loss of trees and plants. This is the culture of our area, hunting is big here, and how will the loss of 3000 acres affect our wildlife and hunters.

Annable stated that we don't really have many hunters anymore, that is on the decline. The deer will probably have a safe place within the fenced area, but poachers will be a threat.

Campbell said that it won't affect the hunters.

Zaepfel was concerned with the heat from the panels.

Campbell said that there is no danger from the heat, you may touch the panels and not get burned. There will be a 7 ft. fence around the area, to keep the people out. There are certain technologies that produce hot air; heat islanding that can kill birds when they fly into the cone of heat rays. This is not that technology, this will not create a hotter climate in Hartland.

Grant asked what if the farmers did not want to raise sheep? There are weeds around the other projects, which will do the upkeep inside the fence? There is no promise to groom the area.

Campbell stated that the company would love for the owners to host sheep; it is a good business for someone.

MacEvoy asked who will brush hog around the property? The bottom edge needs to be less than 3ft. So the company would rather have the sheep grazing?

Campbell explained that if the farmer wants to raise sheep then that will be in the contract, otherwise the company provides the trimming and mowing. Cattle could not be used because you would have to raise the panels up, so sheep are the best bet.

Darroch stated that sheep will only eat so much and goats would eat too much.

Annable thanked everyone for coming.

Spencer requested a map of the wooded areas to be considered and voiced his concern about cutting down trees. People want to see actual maps of the areas to be used.

Campbell encouraged feedback from the community.

Grant argued that the statement that most people were in favor of this project is not true. Most people wanted more answers, more of a presentation and the ability to voice their concerns.

Annable said that we are getting there with the information, this is a 5 year building project and Cambria is not well educated on the facts.

Grant also said that all of the presenters were young and if you want to sell to an older population, you need someone of the same age to present the information.

Zaepfel asked why the public wasn't informed before this time, no one even knew about the proposition.

Annable stated that EDF had approached the board in the Spring and the board made the decision to put it to the public. He, Annable, has not received any phone calls from anyone; he couldn't even get all the board members to attend this meeting.

Clerk Boyler suggested that if the newspaper announcement of the meeting of the combined boards had stated that the discussion would be on the solar project, then more of the community would have attended.

Campbell once again wants to engage the Town and communicate, be open to the public.

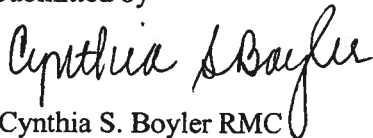
Annable stated that the next meeting will be a public forum.

David Huntington, Councilman, said that when the EDF came to the board, there was no real commitment, now it is time to put it to the public

Meeting adjourned at 8:45 PM

Supervisor Annable said that any questions that come in can be addressed to him.

Submitted by



Cynthia S. Boyler RMC

Hartland Town Clerk